

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA BOARD OF DENTISTRY
COMPLAINT COMMITTEE

In the Matter of the Dentistry
License of Curtis Pouliot, D.M.D.,
Minnesota License No. 9906

ORDER COMPELLING
RESPONSE TO DISCOVERY
OR RESPONSE TO
PROPOSED STIPULATION
FOR VOLUNTARY SURRENDER

This matter came on for prehearing conferences on December 8, 1995, and again on January 16, 1996, before the undersigned Administrative Law Judge.

Appearing on behalf of Dr. Curtis Pouliot, D.M.D., Respondent herein, was John R. Kenefick, of the firm of Briggs & Morgan, 2200 First National Bank Building, St. Paul, Minnesota 55101.

Appearing on behalf of the Complaint Committee of the Minnesota Board of Dentistry, Petitioner herein, was Michael J. Weber, Assistant Attorney General, 525 Park Street, Suite 500, St. Paul, Minnesota 55103-2106.

Based upon all of the files and proceedings herein, and for the reasons more fully set forth in the attached Memorandum, the Administrative Law Judge makes the following:

ORDER

1. Respondent shall, no later than February 7, 1996, take one or more of the following actions:

- a) respond to the Requests for Admission dated December 5, 1995; or,
- b) respond to the proposed Stipulation and Order for Voluntary Surrender dated December 19, 1995; or,
- c) file a written statement consenting to the entry of a default judgment against him.

2. If Respondent fails to take any of the three actions outlined above, the Administrative Law Judge may find him in default, pursuant to Minn. Rule pt. 1400.6000, and the allegations of the Notice of and Order for Hearing may be taken as true or deemed proved without further evidence. For purposes of that rule, this Order shall be deemed to be an Interlocutory Order.

Dated this 22nd day of January, 1996.

ALLAN W. KLEIN
Administrative Law Judge

MEMORANDUM

After initially indicating that he did not wish to continue with the administrative hearing concerning his license, Respondent now refuses to communicate with his attorney or take any other steps to resolve this proceeding. The purpose of this Order is to evoke some response from Respondent and, if no response is forthcoming, allow the Board to proceed in his absence.

On November 29, 1995, the Board's Complaint Committee issued a Notice of and Order for Hearing, setting forth a number of allegations concerning Respondent's conduct of his dentistry practice. That document also set a prehearing conference for December 8, 1995. On December 8, a prehearing conference was held, and Respondent appeared by his attorney. At the conclusion of the prehearing conference, the Administrative Law Judge ordered that Respondent must decide by December 12 whether or not he desired to proceed with the administrative proceeding. If Respondent did desire to proceed with the administrative hearing, then he must answer Petitioner's Requests for Admissions by December 18.

On December 13, 1995, Respondent's attorney filed a letter indicating that Dr. Pouliot did not wish to continue with the administrative hearing.

Shortly thereafter, Petitioner prepared a proposed Stipulation and Order for Voluntary Surrender and submitted it to Respondent's attorney, who forwarded it on to Respondent shortly after December 19, 1995.

Since late December and continuing to January 16, Respondent's attorney has made numerous attempts to contact Respondent, but has been unable to do so.

Under the circumstances, it is appropriate to require Respondent to either proceed with the case, and go forward with discovery and a hearing, or else allow the matter to be resolved without a hearing.

AWK

January 22, 1996

John R. Kenefick
Attorney at Law
Briggs & Morgan
2200 First National Bank Building
St. Paul, MN 55101

Michael J. Weber
Assistant Attorney General
525 Park Street
Suite 500
St. Paul, MN 55103-2106

RE: In the Matter of the Dentistry License of Curtis Pouliot, D.M.D., Minnesota
License No. 9906; OAH Docket No. 6-0902-10213-2

Dear Counsel:

Enclosed and served upon you is the Administrative Law Judge's Order
Compelling Response to Discovery or Response to Proposed Stipulation for Voluntary
Surrender in the above-entitled matter.

Yours very truly,

ALLAN W. KLEIN
Administrative Law Judge

Telephone: 612/341-7609

AWK:lr
Enclosure

STATE OF MINNESOTA))
COUNTY OF HENNEPIN) SS

AFFIDAVIT OF SERVICE BY U.S. MAIL

LaVon Regan, being first duly sworn, hereby deposes and says that on the 22nd of January, 1996, at the City of Minneapolis, county and state aforementioned, she served the attached Administrative Law Judge's Order Compelling Response to Discovery or Response to Proposed Stipulation for Voluntary Surrender; OAH Docket No. 6-0902-10213-2, by depositing in the United States mail at said City of Minneapolis, a true and correct copy thereof, properly enveloped, with first class postage prepaid and addressed to the individuals named herein.

John R. Kenefick
Attorney at Law
Briggs & Morgan
2200 First National Bank Building
St. Paul, MN 55101

Michael J. Weber
Asistant Attorney General
525 Park Street
Suite 500
St. Paul, MN 55103-2106

LaVon Regan

Subscribed and sworn to before me
this 22nd day of January, 1996.

Notary Public